

Assembly Bill No. 1432

Passed the Assembly September 14, 2001

Chief Clerk of the Assembly

Passed the Senate September 13, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Sections 8680.9, 8685, 8685.2, 8685.4, 8686.4, 8686.8, 8687, 8687.6, and 8690.6 of, and to repeal Section 8686.1 of, the Government Code, and to amend Section 2774.5 of the Public Utilities Code, relating to emergency services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1432, Corbett. Office of Emergency Services.

(1) The Natural Disaster Assistance Act authorizes the Director of Emergency Services to allocate funds appropriated for the purposes of the act for various local agency and state costs. Among the costs that may be provided for are local agency personnel costs eligible for funding or reimbursement under specified provisions of federal law, excluding normal hourly wage costs of regularly assigned emergency services and public safety personnel; costs to repair, restore, reconstruct, or replace facilities belonging to local agencies damaged as a result of natural disasters; and indirect costs as defined by a specified federal publication.

This bill would delete the reference to federal eligibility for personnel costs and instead provide that local agency personnel costs may be funded, excluding normal hourly wage costs of employees engaged in emergency work activities. The bill would also provide that specified mitigation costs may be funded and delete the reference to a specified federal publication and instead provide that indirect administrative costs may be funded.

(2) Existing law establishes the Disaster Response-Emergency Operations Account within the Special Fund for Economic Uncertainties, and continuously appropriates the moneys in the account, subject to specified limitations, for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a state of emergency proclamation by the Governor. These provisions become inoperative on July 1, 2002, and are repealed as of January 1, 2003.

This bill would extend the operation of these provisions to July 1, 2003, and would extend the date of their repeal to January 1,



2004. By extending the existence of a continuously appropriated fund, this bill would make an appropriation.

(3) Existing law requires an electrical corporation or local publicly owned electric utility to notify immediately the Commissioner of the California Highway Patrol and the sheriff and any affected chief of police of the specific area that will sustain a planned loss of power as soon as the planned loss becomes known as to when and where that power loss will occur.

This bill would require the Office of Emergency Services also to be notified.

(4) This bill would additionally make various technical corrections and delete obsolete references.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 8680.9 of the Government Code is amended to read:

8680.9. “Local emergency” means a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected, in accordance with Section 8630.

SEC. 2. Section 8685 of the Government Code is amended to read:

8685. From any moneys appropriated for that purpose, and subject to the conditions specified in this article, the Director of Emergency Services shall allocate funds to meet the cost of any one or more projects as defined in Section 8680.4. Applications by school districts shall be submitted to the Superintendent of Public Instruction for review and approval, in accordance with instructions or regulations developed by the Office of Emergency Services, prior to the allocation of funds by the Director of Emergency Services.

Moneys appropriated for the purposes of this chapter may be used to provide financial assistance for the following local agency and state costs:

(a) Local agency personnel costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the



Governor, excluding the normal hourly wage costs of employees engaged in emergency work activities.

(b) To repair, restore, reconstruct, or replace facilities belonging to local agencies damaged as a result of natural disasters as defined in Section 8680.3. Mitigation measures performed pursuant to subdivision (b) of Section 8686.4 shall qualify for funding pursuant to this chapter.

(c) Matching fund assistance for cost sharing required under federal public assistance programs.

(d) Indirect administrative costs and any other assistance deemed necessary by the Director of Emergency Services.

(e) Necessary and required site preparation costs for mobilehomes, travel trailers, and other manufactured housing units provided by the federal temporary housing assistance program operated by the Federal Emergency Management Agency.

SEC. 3. Section 8685.2 of the Government Code is amended to read:

8685.2. An allocation may be made to a local agency for a project when, within 10 days after the actual occurrence of a natural disaster, the local agency has proclaimed a local emergency and that proclamation is acceptable to the director or upon the order of the Governor when a state of emergency proclamation has been issued, and if the Legislature has appropriated money for allocation for purposes of this chapter.

SEC. 4. Section 8685.4 of the Government Code is amended to read:

8685.4. A local agency shall make application to the director for state financial assistance within 60 days after the date of the proclamation of a local emergency. The director may extend the time for this filing only under unusual circumstances. No financial aid shall be provided until a state agency, upon the request of the director, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report with the director within 60 days from the date the local agency made application, unless the director extends the time because of unusual circumstances. The estimate of cost of the work may include expenditures made by the local agency for the work prior to the making of the estimate. If the reporting state agency fails to report its findings within the 60-day period, and time is not



extended by the director, the director may complete the investigation and recover a proportionate amount allocated to the state agency for the balance of the investigation. “Unusual circumstances,” as used above, are unavoidable delays that result from recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of the applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

SEC. 5. Section 8686.1 of the Government Code is repealed.

SEC. 6. Section 8686.4 of the Government Code is amended to read:

8686.4. (a) Whenever the local agency and the director determine for public facility projects that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the director shall authorize the replacement, including, in the case of a public building, an increase in the square footage of the building replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and the excess cost shall be excluded in determining the amount to be allocated by the state. The state contribution shall not exceed the net cost of restoring each facility on the basis of the design of the facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards.

(b) Notwithstanding subdivision (a), when the director determines there are mitigation measures that are cost-effective and that substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor, the director may authorize the implementation of those measures.

SEC. 7. Section 8686.8 of the Government Code is amended to read:

8686.8. If the director determines that a local agency is financially unable to meet the matching requirements set forth in Section 8686, or unable to provide funds for replacement of a facility pursuant to Section 8686.4, the director may, if that loan



would not result in a violation of Section 18 of Article XVI of the California Constitution and out of any state money made available for purposes of this chapter, lend funds, for the completion of a project or projects. The local agency shall be required by the director to make its contribution by means of deferred payments. The deferred payments shall be made in the amounts and at the times provided by the agreement executed in connection with the application, but in any event providing full repayment within 10 years, and shall include a charge to be fixed by the director in an amount estimated by him or her to equal the revenue that the state would have derived by investing the total amounts loaned at the interest rate prevailing for legal state investments as of the date of the loan.

SEC. 8. Section 8687 of the Government Code is amended to read:

8687. Deferred payments made by a local agency pursuant to Section 8686.8 shall be made by the agency:

(a) Out of the current revenues of the local agency.

(b) If the current revenues of a city, county, or city and county, prove insufficient to enable the agency to meet the payments, the director may order the State Controller to withhold from the local agency funds that the local agency would be entitled from the state, including, as to street and highway projects, from the Motor Vehicle License Fee Fund to the extent necessary to meet the deficiency.

Those sums shall be credited to the funds in the State Treasury from which the loans were made.

SEC. 9. Section 8687.6 of the Government Code is amended to read:

8687.6. If the local agency, under Section 8687.4, is a county, the amount contributed by the county shall not be reduced to less than an amount of money equal to the amount allocated to the county for the fiscal year prior to the disaster proclamation pursuant to Section 2110.5 of the Streets and Highways Code.

SEC. 10. Section 8690.6 of the Government Code is amended to read:

8690.6. (a) There is hereby established in the Special Fund for Economic Uncertainties a Disaster Response-Emergency Operations Account. Notwithstanding Section 13340, moneys in the account are continuously appropriated, subject to the



limitations specified in subdivisions (c) and (d), without regard to fiscal years, for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a state of emergency proclamation by the Governor. These allocations may be for activities that occur within 365 days after a proclamation of emergency by the Governor, as authorized pursuant to subdivision (c), or for activities that occur after the 365th day after a proclamation of emergency by the Governor, as authorized pursuant to subdivision (d).

(b) It is the intent of the Legislature that the Disaster Response-Emergency Operations Account have an unencumbered balance of one million dollars (\$1,000,000) at the beginning of each fiscal year. In the event that this account requires additional moneys to meet claims against the account, the Director of Finance may transfer moneys from the Special Fund for Economic Uncertainties to the account in that amount sufficient to pay the amount of the claims that exceed the unencumbered balance in the account.

(c) For activities that occur within 365 days after a proclamation of emergency by the Governor, the funds shall be allocated subject to the conditions of this section and in accordance with Section 27.00 of the annual Budget Act, except that the allocations may be made 30 days or less after notification of the Legislature pursuant to subdivision (b) of that section.

(d) For activities that occur after the 365th day after a proclamation of emergency by the Governor, the funds shall be allocated subject to the conditions of this section and in accordance with Section 27.00 of the annual Budget Act.

(e) Notwithstanding subdivision (a) of Section 27.00 of the annual Budget Act, authorizations for acquisitions, relocations, and environmental mitigations related to activities, as described in subdivision (c) or (d), shall be authorized pursuant to this section. However, these funds may only be authorized for needs that are a direct consequence of the proclaimed emergency where failure to undertake the project may interrupt essential state services or jeopardize public health or safety. In addition, any acquisition accomplished under this subdivision shall comply with any otherwise applicable law, except as provided in the first sentence of this subdivision.



(f) No funds allocated under this section shall be used to supplant federal funds otherwise available in the absence of state financial relief.

(g) The amount of financial assistance provided to an individual, business, or governmental entity under this section, or pursuant to any other program of state-funded disaster assistance, shall be deducted from sums received in payment of damage claims asserted against the state, its agents, or employees, for causing or contributing to the effects of the proclaimed disaster.

(h) No public entity administering disaster assistance to individuals shall receive funds under this section unless it administers that assistance pursuant to the following criteria:

(1) All applications, forms, and other written materials presented to persons seeking assistance shall be available in English and in the same language as that used by the major non-English-speaking group within the disaster area.

(2) Bilingual staff who reflect the demographics of the disaster area shall be available to applicants.

(i) This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. Section 2774.5 of the Public Utilities Code is amended to read:

2774.5. An electrical corporation or local publicly owned electric utility, as defined in subdivision (d) of Section 9604, shall immediately notify the Commissioner of the California Highway Patrol, the Office of Emergency Services, and the sheriff and any affected chief of police of the specific area within their respective law enforcement jurisdictions that will sustain a planned loss of power as soon as the planned loss becomes known as to when and where that power loss will occur. The notification shall include common geographical boundaries, grid or block numbers of the effected area, and the next anticipated power loss area designated by the electrical corporation or public entity during rotating blackouts.



Approved _____, 2001

Governor

